

# August 2006

## Update: Traffic Benchbook— Third Edition, Volume 1

### CHAPTER 1

#### Required Procedures for Civil Infractions

##### Part A—Introduction

#### 1.3 Jurisdiction and Venue for Traffic Civil Infractions

##### A. Jurisdiction

Effective July 20, 2006, 2006 PA 298 amended MCL 257.741(2) to remove the reference to the Recorder's Court. Delete the first cross-reference and its corresponding asterisk on page 4.

## CHAPTER 1

### Required Procedures for Civil Infractions

#### Part G—Civil Sanctions and Licensing Sanctions

#### 1.20 Civil Fines, Costs, and Assessments for Civil Infractions

##### A. Civil Fines

##### 2. Mandatory Fines

Effective July 20, 2006, 2006 PA 298 amended MCL 257.907(2) regarding the fines to be assessed for certain specified violations. Replace the last two bullets near the top of page 28 with the following:

- Operating a commercial motor vehicle in violation of an out-of-service order, MCL 257.319f(1). The fine assessed shall be at least \$1,100.00 but not more than \$2,750.00. MCL 257.319f(3).\*
- An employer who knowingly allows, permits, authorizes, or requires a driver to operate a commercial motor vehicle in violation of MCL 257.667–257.670, or a federal, state, or local law or regulation pertaining to railroad-highway grade crossings. MCL 257.319g(1)(a). The fine assessed shall not exceed \$10,000.00. MCL 257.319g(2)(a).\*
- An employer who knowingly allows, permits, authorizes, or requires a driver to operate a commercial vehicle in violation of an out-of-service order, MCL 257.319g(1)(g). The fine assessed shall be at least \$2,750.00 but not more than \$11,000.00. MCL 257.319g(2)(b).\*
- An employer who knowingly allows, permits, authorizes, or requires a driver to operate a commercial motor vehicle in violation of the motor carrier safety regulations. MCL 257.319g(1)(b). The fine assessed shall be at least \$2,750.00 but not more than \$11,000.00. MCL 257.907(2).\*

\*See MCL 257.319f and 257.907(2), as amended by 2006 PA 298.

\*See MCL 257.319g and 257.907(2), as amended.

\*See MCL 257.319g, as amended.

\*But see MCL 257.319g, as amended—no change was made to (1)(b).

**Note:** 2006 PA 298 amended MCL 257.319f to specify the civil fine for a violation of MCL 257.319f. MCL 257.319f(3). MCL 257.907(2), as amended by 2006 PA 298 expressly references this change to MCL 257.319f(3). However, other amendments made to MCL 257.907(2) regarding civil fine amounts for specific violations of MCL 257.319g do not accurately reflect the changes made in MCL 257.319g. 2006 PA 298 amended MCL

257.319g(1)(a) and added MCL 257.319g(1)(g). No change was made to MCL 257.319g(1)(b). Therefore, it appears that MCL 257.907(2)'s reference to MCL 257.319g(1)(b) was likely intended to refer to the violation added in MCL 257.319g(1)(g).

- Except as otherwise noted for specific civil infractions under MCL 257.319g\* or a substantially corresponding local ordinance, civil infractions that occurred while driving a commercial motor vehicle. The fine shall not exceed \$250.00. MCL 257.907(3).
- For violations of MCL 257.319g not otherwise specified\* or a local ordinance substantially corresponding to violations of MCL 257.319g not otherwise specified, the fine shall not exceed \$10,000.00. MCL 257.907(3).

\*MCL  
257.319g(1)(a),  
257.319g(1)(b).

\*MCL  
257.319g(1)(c),  
(1)(d), (1)(e),  
and (1)(f).

## CHAPTER 1

### Required Procedures for Civil Infractions

#### Part G—Civil Sanctions and Licensing Sanctions

##### 1.24 Reporting Civil Infractions to the Secretary of State

Effective July 20, 2006, 2006 PA 298 amended MCL 257.732(1)(a) to change the number of days within which a court must forward an abstract of the court record to the Secretary of State after finding a defendant responsible for a traffic civil infraction. On page 33 replace the first paragraph in this section with the following text:

After it finds a defendant responsible for a traffic civil infraction, the court must report its finding to the Secretary of State. MCR 4.101(G)(2)(a). Not more than five days after entry of a civil infraction determination or default judgment for violation of the Motor Vehicle Code or a substantially corresponding local ordinance, a municipal judge or court clerk shall prepare and immediately forward to the Secretary of State an abstract of the court record. MCL 257.732(1)(a).

## CHAPTER 1

### Required Procedures for Civil Infractions

#### Part G—Civil Sanctions and Licensing Sanctions

##### 1.24 Reporting Civil Infractions to the Secretary of State

Effective July 20, 2006, 2006 PA 298 amended MCL 257.732(3)(d) to remove indorsement classification from the list of information required to be included in an abstract. Replace the quote of MCL 257.732(3)(d) near the top of page 34 with the following:

“(d) The type of vehicle driven at the time of the violation and, if the vehicle is a commercial motor vehicle, that vehicle’s group designation.”

Effective July 20, 2006, 2006 PA 298 amended MCL 257.732(16) to add an additional offense for which the court should not submit an abstract to the Secretary of State. 2006 PA 298 also revised a reference in 257.732(16)(g), a subsection earlier added by 2004 PA 362, effective October 4, 2004. Insert the following text after the first paragraph on page 35:

“(g) A violation described in section 319b(10)(b)(vii)\* if, before the court appearance date or date fines are to be paid, the person submits proof to the court that he or she held a valid commercial driver license on the date the citation was issued.

“(h) A violation of section 311\* if the person was driving a noncommercial vehicle and, before the court appearance date or the date fines are to be paid, the person submits proof to the court that he or she held a valid driver license on the date the citation was issued.” MCL 257.732(16)(g)–(h).

\*MCL 257.319b(10)(b)(vii) governs driving a commercial vehicle without having an operator’s or chauffeur’s license in possession.

\*MCL 257.311 governs driving without a license in possession. See Section 3.23 of this volume.

## CHAPTER 3

### Misdemeanor Traffic Offenses

#### Part A—Introduction

#### 3.7 Abstracts of Convictions

Effective July 20, 2006, 2006 PA 298 amended MCL 257.732(1)(a) to change the number of days within which a court must forward an abstract of the court record to the Secretary of State. On page 100 replace the first sentence of the first paragraph in this section with the following text and delete the cross-reference corresponding to the first sentence of the paragraph:

Not more than five days after conviction, forfeiture of bail, or entry of a default judgment, the court shall prepare and immediately forward to the Secretary of State an abstract of the court record. MCL 257.732(1)(a).

Effective July 20, 2006, 2006 PA 298 amended MCL 257.732(3)(d) to remove indorsement classification from the list of information required to be included in an abstract. Replace the quote of MCL 257.732(3)(d) near the top of page 101 with the following:

“(d) The type of vehicle driven at the time of the violation and, if the vehicle is a commercial motor vehicle, that vehicle’s group designation.”

## CHAPTER 3

### Misdemeanor Traffic Offenses

#### Part A—Introduction

#### 3.10 License Suspensions and Revocations

Effective July 20, 2006, 2006 PA 298 enacted MCL 257.303a to govern situations where more than one state or political entity imposes a license sanction for the same offense. Add the following text after the first full paragraph at the top of page 103:

When more than one entity imposes a license sanction for the same offense, the sanctions are to run concurrently. MCL 257.303a states:

“Except as otherwise provided in this act, the suspension, revocation, denial, disqualification, or cancellation of an operator’s license, chauffeur’s license, or commercial driver license by another state or the United States shall run concurrently with a suspension, revocation, denial, disqualification, or cancellation of an operator’s license, chauffeur’s license, or commercial driver license by this state that is imposed for the same offense.” MCL 257.303a.

## CHAPTER 3

### Misdemeanor Traffic Offenses

#### Part C—License and Permit Violations

#### 3.27 Unlawful Use or Display of License

##### A. Statute

Effective July 20, 2006, 2006 PA 298 amended MCL 257.324(2) to add information about reapplying for a commercial driver license. Add the following text at the end of the quote of MCL 257.324(2) at the top of page 131:

“A person whose commercial driver license application is voided or canceled under this subsection shall not reapply for a commercial driver license for at least 60 days after an application is voided or canceled.”